

**REMARKS****Summary of the Office Action**

In the Non-Final Office Action, the Examiner acknowledges that U.S. Patent No. 5,978,016 to Lourette et al. does not qualify as a prior art. Claims 1-13 and 21-22 are allowed. Claims 14-20 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,894,326 to McIntyre et al. (hereinafter "McIntyre") in view of U.S. Patent No. 4,316,656 to Ishibashi et al. (hereinafter "Ishibashi").

**Summary of the Response to the Office Action**

Applicant amends claims 14 and 23 as provided herein. Accordingly, claims 1-23 remain pending in this application.

**The Rejection under 35 U.S.C. § 103(a)**

Claims 14-20 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,894,326 to McIntyre et al. (hereinafter "McIntyre") in view of U.S. Patent No. 4,316,656 to Ishibashi et al. (hereinafter "Ishibashi").

Applicant amends claims 14 and 23 as provided herein to differently describe the subject matter of the claimed invention. Independent claim 14, as amended, discloses an electronic camera apparatus comprising at least the following:

a function tester for testing at least one function designated by said operation input unit if the function diagnosis mode is selected by the mode selector, the functions of the camera to be tested including functions of at least one of the image pickup unit, the recorder, and the playback unit, wherein at least the

recorder, the display, the mode selector, and the function tester are enclosed within a main camera body.

Independent claim 23, as amended, discloses an electronic camera that includes:

testing means for testing at least one function designated by said inputting means if the function diagnosis mode is selected by the selecting means, the functions of the camera to be tested including functions of at least one of the capturing means, the recording means, and the playback means, wherein at least the recording means, the selecting means, and the testing means are enclosed within a main camera body.

Previously presented independent claim 18 discloses an electronic camera that includes:

a function tester for testing functions of at least one of the operation input unit, the image pickup unit, the recorder, and the playback unit, when the function diagnosis mode is selected by the mode selector, wherein at least the mode selector, the operation input unit, the recorder, the display, and the function tester are enclosed within a main camera body.

Applicant respectfully submits that neither McIntyre nor Ishibashi, whether taken singly or in combination, teach or suggest the electronic camera including the particular features disclosed in each of independent claims 14, 18 and 23.

The Office Action asserts at page 5 that McIntyre does not expressly disclose a diagnosis mode which includes a function for testing functions of the camera. The Office Action goes on to assert that Ishibashi discloses useful function and status information of camera operation.

Applicant respectfully submits that, in embodiments of the instant invention as disclosed in previously presented independent claim 18, and independent claims 14 and 23, as amended, the function tester tests at least one function designated by the operation input unit. Applicant respectfully submits that, in contrast, the all-test button of Ishibashi always tests all functions of the camera. Applicant respectfully submits that Ishibashi does not teach or suggest testing a function designated by the user through the operation input unit. Applicant further submits that

McIntyre fails to cure the deficiencies of Ishibashi with regard to independent claims 14, 18 and 23.

In view of the foregoing, Applicant respectfully submits that Ishibashi and McIntyre, whether taken singly or in combination, do not teach or suggest each feature of previously presented independent claim 18, and independent claims 14 and 23, as amended. As pointed out in MPEP § 2131, “[to] anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art of reference. Verdegaal Bros. V. Union Oil Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Thus, Applicant respectfully submits that independent claims 14, 18 and 23 are patentable over Ishibashi and McIntyre. Moreover, Applicant respectfully submits that claims 15-17 and 19-20 should be allowed for at least the same reasons as discussed above with regard to independent claims 14 and 18 upon which they depend, respectively, and for the additional features that they recite. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 14-20 and 23 under 35 U.S.C. § 103(a).

**CONCLUSION**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite the prosecution.

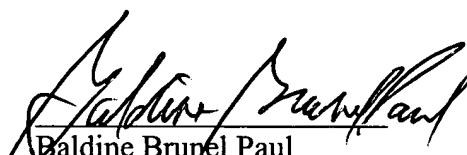
**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: July 6, 2004

By:

  
Baldine Brunel Paul  
Registration No. 54,369

Customer No. 009629

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001